

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3212-10
Bill No.: Truly Agreed to and Finally Passed CCS for HS for HCS for SCS No. 2 for SB 762
Subject: Children and Minors; Family Services Division; Guardians; Social Services Department
Type: Original
Date: June 7, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(Less than \$101,631)	(Less than \$101,680)	(Less than \$101,730)
Total Estimated Net Effect on General Revenue Fund	(Less than \$101,631)	(Less than \$101,680)	(Less than \$101,730)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Criminal Records System Fund	\$75,873	\$75,093	\$74,688
Total Estimated Net Effect on <u>All</u> State Funds	\$75,873	\$75,093	\$74,688

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representatives, the Missouri Senate, the Office of Administration-Division of Budget and Planning, the Department of Elementary and Secondary Education, the Department of Mental Health, the Department of Corrections, the Department of Revenue, the Office of Administration-Administrative Hearing Commission, the Office of Administration-Office of Child Welfare, and the Department of Insurance** state this proposal would not fiscally impact their agencies.

Officials from the **Office of the Secretary of State (SOS)** state this proposal enacts and modifies various provisions regarding the state foster care system and requires the Children's Division to arrange a team meeting before a child is placed in protective custody. The Department of Social Services, the Department of Health and Senior Services, the State Board of Education, the Department of Mental Health and the Administrative Hearing Commission could promulgate rules to enact this legislation. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Social Services could require as many as 230 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri*

ASSUMPTION (continued)

Register is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$14,145 in FY 05.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Office of State Courts Administrator (CTS)** state the proposal provides for changes in the placement of children in foster care, including mandated criminal history background checks. CTS states since most of the requirements pertain to the Family Support Division, CTS would not anticipate a significant fiscal impact on the judiciary.

Officials from the **Office of Attorney General (AGO)** assume that certain provision in the proposal will require additional advice to agencies, particularly regarding the Sunshine Law, access to records and proceedings and criminal background checks. The AGO assumes that potential costs arising from this proposal are unknown, but will not exceed \$100,000.

Officials from the **Department of Health and Senior Services (DOH)** state this proposal lowers the age specification from 18 to 17 for individuals living in the applicants home who are required to submit to a criminal background check and a check of the central registry for child abuse as part of the applicant's qualifications for state or federal assistance for providing child-care services in the home. This proposal allows registration through the Family Care Safety Registry to fulfill that requirement.

The DOH states it has no mechanism for determining the number of individuals that will utilize the Family Care Safety Registry to meet the criminal background check and the check of the central registry for child abuse requirement due to the lowering of the age specifications.

DOH estimates that one FTE can process 12,000 registrations and related requests annually, and one assistant would be required per 12,000 registrations. DOH estimates the cost to General Revenue as unknown.

Oversight assumes that less than 12,000 individuals will be added due to the lowering of the age from 18 to 17. **Oversight** assumes the DOH can absorb any additional costs.

ASSUMPTION (continued)

Officials from the Department of Social Services (DOS) state the fiscal impact of this legislation is assumed to be zero based upon the appropriation in the FY 05 budget of the costs for the fingerprinting requirements. This funding will be available upon signing by the Governor of HB 11.

Officials from the **Department of Public Safety - Criminal Records and Identification Division (CRI)** responded to our fiscal note request and calculated a cost based on 24,841 fingerprints. They obtained this number by contacting the appropriate state agencies. However, in their response to Oversight, the CD reported 1,958 (979 x 2 per home) would need background checks and OEC reported 4,562 would need background checks. Oversight has used MHP's formula to recalculate the cost based on 6,520 applicants. Based on this volume, one-half additional FTE would be required. The CRI would have this individuals work 2nd and 3rd shift so no new equipment would be needed.

The CRI would collect \$38 and pass the \$24 fee from the Federal background checks and pass this on to the FBI.

The CRI estimates the Information System Division (ISD) of the Department of Public Safety would incur additional state data center costs of approximately \$1,600 per year.

Officials from the **Office of Prosecution Services** and **State Public Defender** did not respond to our fiscal note request.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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GENERAL REVENUECosts - Office of Attorney General

Additional litigation costs	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
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Costs – Department of Public Safety -
Missouri State Highway Patrol

Expense and Equipment	<u>(\$1,631)</u>	<u>(\$1,680)</u>	<u>(\$1,730)</u>
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ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Less than \$101,631)</u>	<u>(Less than \$101,680)</u>	<u>(Less than \$101,730)</u>
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**CRIMINAL RECORDS SYSTEM
FUND**Revenue – Department of Public Safety -
Missouri State Highway Patrol

Fingerprint fees (6,520 x \$38)	\$247,760	\$247,760	\$247,760
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Costs – Department of Public Safety -
Missouri State Highway Patrol

Pass through to FBI (6,520 x \$24)	(\$156,480)	(\$156,480)	(\$156,480)
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Personal Services (.5 FTE)	(\$10,896)	(\$11,448)	(\$11,734)
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Fringe benefits	(\$4,511)	(\$4,739)	(\$4,858)
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Total Costs - Department of Public Safety

- Missouri State Highway Patrol	(\$171,887)	(\$172,667)	(\$173,072)
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**ESTIMATED NET EFFECT ON
CRIMINAL RECORDS SYSTEM
FUND**

<u>\$75,873</u>	<u>\$75,093</u>	<u>\$74,688</u>
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FISCAL IMPACT - Local Government

FY 2005 (10 Mo.)	FY 2006	FY 2007
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<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This act modifies various provisions of the law relating to foster care and protective services for children. The following is a summary of the sections of the act:

SECTION 210.025 - Upon initial application, applicants must submit fingerprints in addition to the required criminal background check and this includes any person over the age of 17 who is living in the applicant's home. Furthermore, the Division must inquire whether any child under 17 in the applicant's home has ever been certified as an adult and pled guilty to a crime.

DESCRIPTION (continued)

SECTION 210.482 - When an emergency placement of a child is made due to the unexpected absence of the child's parents, the juvenile court or the Children's Division may request that a name-based criminal history check be made. The check will encompass full orders of protection, outstanding warrants, and any listings in the child abuse and neglect registry for each person over the age of 17 who resides in the home. Furthermore, the Division must inquire whether any child under 17 in the home has ever been certified as an adult and pled guilty to a crime.

Within fifteen days of the emergency placement, all persons over 17 in the home must submit two sets of fingerprints for a more extensive criminal background check. A child shall immediately be removed from the home if any person residing in the home fails to provide the requested fingerprints. If the placement of a child is denied due to the results of a name-based search and the denial is subsequently contested, all persons over 17 in the home will be required, within fifteen days, to submit two sets of fingerprints for the criminal background checks.

The total cost of the fingerprinting required pursuant to this section may be paid by the state.

SECTION 210.487 - For the licensing of foster parents, the Children's Division must conduct a search, using the automated court system, for full orders of protection on all persons over 17 in the applicant's household. The courts shall provide the information within 10 days of the request. The Division shall also obtain two sets of fingerprints for all persons over 17 in the applicant's home and shall determine whether any person over 17 is listed on the child abuse and neglect registry. The total cost of fingerprinting required pursuant to this section may be paid by the state. The Division may make arrangements with other branch agencies to obtain any investigative background information.

SECTION 210.542 - The Division shall provide standards and training for the licensing of prospective foster parents. The Division shall provide performance-based criteria for the evaluation of licensed foster parents.

SECTION 210.565 - When a child is not placed with relatives, the court must provide detailed reasons on the record why it is in the child's best interests to be placed with other persons. The age of the child's relative shall not be the only factor that the Division takes into consideration when making placement decisions and recommendations to the court regarding the placement of the child with that relative.

The Division must adhere to the Indian Child Welfare Act (25 U.S.C. 1915) when placing a Native American child in protective custody.

DESCRIPTION (continued)

SECTION 210.760 - The Division must notify the child's parent or legal guardian that the child has been placed in foster care. A child shall not be removed from school for placement in foster care without a court order specifying that the child shall be removed from school.

SECTION 210.762 - For temporary placements, the Children's Division must arrange a family support team meeting prior to or within twenty-four hours following the protective custody hearing. Once the child is in the Division's custody, the Division must arrange an additional meeting prior to taking any action relating to the placement of the child.

However in instances where the welfare of a child requires an immediate or emergency change of placement, the Division may make a temporary placement, but they must schedule a family support team meeting within seventy-two hours.

The parents or legal guardian, the guardian ad litem, the volunteer advocate, and any designee of the parent who has written authorization shall be notified and invited to participate in all meetings. These meetings may include any other persons who can assist the team in making the appropriate decisions on behalf of the child. At the conclusion of the meeting, all parties must sign a form provided by the Division which states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records.

SECTION 210.764 - The case records of a child in protective custody will be available for review by the parent or legal guardian of the child.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space. This proposal would affect Total State Revenue.

SOURCES OF INFORMATION

Missouri House of Representatives

Missouri Senate

Office of Administration-

Division of Budget and Planning

Department of Elementary and Secondary Education

Department of Mental Health

Department of Corrections

Department of Revenue

Office of Administration-

Administrative Hearing Commission

Office of Administration-

Office of Child Welfare

Department of Insurance

Office of the Secretary of State

Office of State Courts Administrator


Office of Attorney General

Department of Health and Senior Services

Department of Public Safety -

Missouri State Highway Patrol

Not Responding: Office of Prosecution Services and State Public Defender



Mickey Wilson, CPA

Director

June 7, 2004